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Paper No. 5

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**OFFICE OF PETITIONS**

In re Application of :  
Warne et al. :  
Application No. 09/971,813 :  
Filed: October 5, 2001 :  
Attorney Docket No. 22058-531CON (GI-5371) :

ON PETITION

This is a decision on the petition filed December 6, 2001, to accord the above-identified application a filing date of October 5, 2001. The Office apologizes for the significant delay in rendering a decision on the petition.

On October 5, 2001, the application was filed.

On November 8, 2001, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113.

In view of the above, the petition is **granted**.

The Notice mailed November 8, 2001, is hereby vacated.

A petition fee has not been charged for the instant petition.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 5, 2001, using the application papers filed on October 5, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

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